



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,411	02/06/2002	Jamie J. McNutt	P99047US2A	4690

7590 07/06/2004

Bridgestone/Firestone Americas Holding, Inc.
Chief Intellectual Property Counsel
1200 Firestone Parkway
Akron, OH 44317-0001

EXAMINER

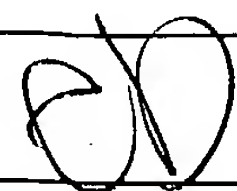
WYROZEBSKI LEE, KATARZYNA I

ART UNIT	PAPER NUMBER
----------	--------------

1714

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/068,411	Applicant(s) MCNUTT ET AL.	
	Examiner Katarzyna Wyrozebski	Art Unit 1714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment to the advisory.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-15.

Claim(s) withdrawn from consideration: 16.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Katarzyna Wyrozebski
Primary Examiner
Art Unit: 1714

Attachment to the Advisory

In view of the applicant's response to the Final Office action, the response being mailed on 6/10/2004, the amendment is entered. Applicant's arguments were considered but not persuasive. The rejections of record are not overcome and are incorporated here by reference.

In the response filed on 6/10/2004 the applicant argued following:

a) The applicants disagree with USPTO's interpretation of col 5, lines 3-6 of the KATIHARA reference, since each rubber used for specific tire component will be highly engineered for that component.

With respect to the above argument, it is examiner's position that the applicant's claims that only require rubber and carbon black in itself allow very high degree of engineering. Applicants independent claims are open to practically any type of rubber. In addition applicant's independent claim 9 lists also different parts of the tire that the composition can be utilized in. For example, chafer extends into the sidewall, and abrasion can include even tire tread, since tire tread has to have abrasive properties.

b) The properties of the applicants examples are different from the examples of the prior art of record. The components are utilized in different amounts.

With respect to the above argument, the only amounts or numerical values that the independent claims refer to is DBP value of carbon black. Claims of the present invention are

Art Unit: 1714

open to any amount even that disclosed in the prior art, therefore it also encompasses properties.

The attached properties and the composition that the applicants have submitted from the publication of Rubber Formulary cannot be compared since they are not the same compositions and they do not contain large size carbon black as disclosed in the prior art. The disclosure of LAUBE also discloses use of rubbers that are preferred by the present invention, therefore one example of LAUBE that the applicants refer to is not representative of the entire invention of the prior art.

c) The tire inner liner and the bead filler compositions are not interchangeable.

With respect to the above argument, if the composition comprises only a soft rubber such as halogenated butyl rubber, then yes, however if the prior art of record teaches use of hard rubbers such as SBR, then the examiner disagrees.

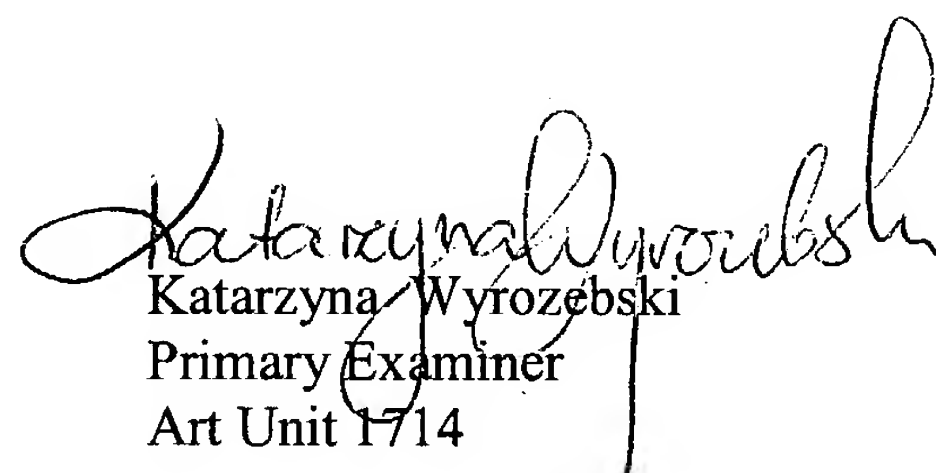
If applicants feel that an interview can resolve pending issues they are welcome to call the examiner for an interview.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Katarzyna Wyrozebski
Primary Examiner
Art Unit 1714

June 29, 2004